

## Message Text

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ORIGIN DHA-02

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DRAFTED BY D/HA/HR:MBOVA:DI  
APPROVED BY D/HA:PDERIAN  
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C O N F I D E N T I A L STATE 192820

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LIMDIS

E.O. 11652: GDS

TAGS: SHUM, PFOR, SNAR, BL, CASC

SUBJECT: DERIAN MEETING WITH MINISTER OF INTERIOR

1. SUMMARY: HUMAN RIGHTS COORDINATOR DERIAN MET WITH THE INTERIOR MINISTER ON AUGUST 5. SHE DESCRIBED THE SITUATION OF THE AMERICAN PRISONERS AND ASKED FOR THE SPEEDY IMPLEMENTATION OF JUDICIAL PROCESS AND CLEMENCY. THE MINISTER DESCRIBED STEPS TAKEN, EMPHASIZING THAT THINGS WERE NOW IN MOTION AND EMPHASIZED THE NEED TO CONSIDER THE BROADER REQUIREMENTS OF JUSTICE. END SUMMARY.

2. MRS. DERIAN STARTED BY TELLING THE MINISTER THAT SHE HAD VISITED THE AMERICANS IN PRISON IN LA PAZ TODAY AND WAS DEEPLY CONCERNED FOR THEIR MENTAL STATE. SHE SAID THAT THEY WERE UNDER GREAT TENSION AS SOME HAVE BEEN SENTENCED, HAVE ALREADY BEEN IN JAIL LONGER THAN THE SENTENCE AND DON'T KNOW WHEN THEY'LL BE ABLE TO LEAVE, CONFIDENTIAL

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OTHERS HAVE BEEN IN JAIL A LONG TIME AND ARE NOT YET SENTENCED. MANY FEEL THEY WILL NEVER GET OUT. THE MINISTER WELCOMED THE OPPORTUNITY TO DISCUSS THIS PROBLEM AND STARTED BY EXPLAINING THAT THE SOCIAL PHENOMENON OF DRUG ADDICTION WAS RELATIVELY NEW TO BOLIVIA AND ITS PREVIOUS LAWS HAD BEEN INADEQUATE TO

COPE WITH IT. THE LAW SUBSTITUTED WAS HARSH IN THAT IT MADE NO DISTINCTION BETWEEN ADDICTS AND TRAFFICKERS AND HAD NO GRADUATION IN SENTENCES. THIS DELAYED SENTENCING

AS JUDGES WAITED FOR THE LAW TO BE MADE MORE FLEXIBLE. THIS HAS NOW HAPPENED BUT IN THE MEANTIME, IT WAS FOUND THAT THE ADMINISTRATIVE STRUCTURE COULDN'T HANDLE THE CASE LOAD. NEW JUDGES HAVE BEEN ADDED TO EASE THIS PROBLEM AND A DECREE HAS JUST BEEN SIGNED WAIVING THE OBLIGATORY REVIEW OF ALL CASES BY THE SUPREME COURT. THE MINISTER EXPLAINED THAT THIS WILL MEAN THAT THOSE SENTENCED, WHO HAVE SERVED THEIR TERM, CAN BE RELEASED. THE MINISTER ALSO CITED PROBLEMS WITH THE LACK OF ADEQUATE SPACE, MEDICAL FACILITIES AND RELIGIOUS AND VOCATIONAL SERVICES IN THE JAILS.

2. MRS. DERIAN AGREED THAT THE JAILS WERE IN BAD CONDITION BUT ADDED THAT ONE THING SHE DID LIKE ABOUT THEM WAS THE RELATIVE FREEDOM OF MOVEMENT COMPARED TO US JAILS. SHE SAID THAT WHEN CONDITIONS ARE AS BAD AS THEY ARE PRISON OFFICIALS BECOME DEMORALIZED AND THIS LEADS TO PRACTICES WHICH CAN BECOME BRUTAL AT TIMES, SHE REFERRED TO A PUNISHMENT OF PUTTING PRISONERS IN AN ALLEYWAY BETWEEN TWO HIGH WALLS, OF STORIES OF BEING HANDCUFFED BEHIND THE BACK FOR LONG PERIODS, OF BEING FORCED TO LIE ON ONE'S STOMACH, OF BRUTAL AND SEVERE PUNISHMENTS FOR INFRINGEMENT OF RULES AND OF TALES OF CONFIDENTIAL

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TORTURE IN THE NARCOTICS DETENTION CENTERS. MRS. DERIAN ADDED SHE WAS AWARE OF EFFORTS THE GOB HAD MADE TO REGULARIZE PROCEDURES. THE MINISTER CAUTIONED MRS. DERIAN TO CONSIDER THE SOURCES OF HER STORIES AND SAID THAT HE BELIEVED PRISONERS WERE TREATED HUMANELY IN BOLIVIA.

3. MRS. DERIAN RESPONDED THAT SOME OF THE PRISONERS HAD ADMITTED THAT THERE WERE TRAFFICKERS IN THE GROUP AS WELL AS USERS, AND THAT SOME WERE SIMPLY CAUGHT UP. SHE POINTED OUT THAT WHEN ONE CONSIDERS THE AMOUNT OF TRAFFIC FROM BOLIVIA AND THE TOTAL AMOUNT THIS GROUP HAD, IT MADE ONE WONDER ABOUT THE EFFECTIVENESS OF THE U.S. DRUG ENFORCEMENT PROGRAM. MRS. DERIAN WAS INVITED TO LOOK AT STATISTICS ON LABORATORIES THAT HAD BEEN DISCOVERED AND THE MINISTER NOTED THAT THERE WERE MANY PRISONERS OTHER THAN AMERICANS IN JAIL. MRS. DERIAN ACKNOWLEDGED THIS AND SAID THAT IMPROVEMENTS WOULD BENEFIT ALL PRISONERS. THE MINISTER AGREED JUSTICE HAD WORKED SLOWLY IN BOLIVIA AND EXPRESSED THE BELIEF THAT WITH THE STEPS TAKEN THINGS WILL WORK OUT. HE SAID IT IS WRONG FOR PEOPLE TO SERVE LONGER THAN THEIR SENTENCE. MRS. DERIAN SAID SHE KNEW THE MINISTER WAS

SINCERE AND WANTED TO BE FAIR.

4. MRS. DERIAN NEXT MENTIONED THE CASE OF WILLIAM

MARRERO WHOSE CONTINUED DETENTION AFFECTED EVERYONE'S MORALE. THE MINISTER SAID THERE WERE JUDICIAL COMPLICATIONS AND ADDED TO THIS WAS AN EXTORTION ATTEMPT AGAINST MARRERO WHICH WAS BEING INVESTIGATED AND HAD ALREADY LED TO THE ARREST OF THE LAWYER ASKING FOR MONEY. HE SAID HE BELIEVED MARRERO WOULD BE RELEASED SOON AND THAT OTHER RELEASES WOULD ALSO BE COMING. MRS. DERIAN ASKED IF RELEASE WERE POSSIBLE FOR SUSAN SCANLAN WHO IS IN THE HOSPITAL. THE MINISTER  
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REPLIED THAT ALL THAT COULD BE DONE IS TO GIVE HER MEDICAL ATTENTION THAT HE COULDN'T INTEREFERE WITH THE JUDGES. HE AGREED THAT WHILE SHE WAS SICK SHE WOULD NOT BE RETURNED TO JAIL.

5. MRS. DERIAN AGAIN EXPRESSED HER CONCERN OVER THE MENTAL STATE OF THE PRISONERS, EXPRESSING THE FEAR THAT THE LEVEL OF TENSION MAY CAUSE SOME TO ATTEMPT TO TAKE THEIR LIVES IF RELEASES DON'T BEGIN VERY SOON. THE MINISTER NOTED THAT MANY WERE IN A STATE OF TRAUMA BECAUSE OF DRUG ADDICTION AND MANY BECAUSE OF THE JUDICIAL SYSTEM. HE ADDED THAT SOME ARE GUILTY OF TRAFFICKING AND WILL HAVE TO STAY MANY YEARS IN JAIL. HE SAID THAT THESE SYMPTOMS OF TENSION OCCUR EVERYWHERE, ESPECIALLY AMONG DRUG CONSUMERS. MRS. DERIAN ADDED THAT MANY WHO USE DRUGS DO SO BECAUSE THEY ARE EMOTIONALLY UNSTABLE AND ADDED THAT THEIR SUFFERING IS INCREASED BECAUSE OF THE DISTANCE FROM THEIR FAMILIES. THE MINISTER RESPONDED THAT PEOPLE IN JOBS LIKE HIS HAVE TO WEIGH ON ONE SIDE THE LAW AND ON THE OTHER THE HUMAN FACTOR. HE SHARED MRS. DERIAN'S CONCERNS BUT SAID THAT THESE PEOPLE HURT SOCIETY AND ACTION MUST BE TAKEN AGAINST THE FEW WHO HURT THE MANY. THE REAL PROBLEM, HE SAID, IS THE RETARDATION OF JUSTICE WHICH HAS OCCURRED.

6. MRS. DERIAN AGREED WITH THE LATTER POINT. SHE MOVED ON TO THE SUBJECT OF POLITICAL PRISONERS ADDING THAT SHE WAS HAPPY TO LEARN THEIR NUMBER HAD DIMINISHED. SHE ASKED ABOUT HABEAS CORPUS AND PUBLIC TRIALS IN THEIR CASES. THE MINISTER SAID BOTH WERE GIVEN IN ACCORDANCE WITH THE CONSTITUTION AND THE NEWSPAPERS HAVE REPORTED THIS FACT.

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7. MRS. DERIAN ASKED ABOUT RICHARD FARMER WHO HAD BEEN TREATED BY ANOTHER PRISONER AND WAS TO HAVE HIS CELL CHANGED. THE MINISTER SAID HE UNDERSTOOD DISCIPLINARY STEPS HAD BEEN TAKEN AGAINST THE OTHER PRISONER AND SAID

THAT CELLS COULD BE CHANGED IF NECESSARY. MRS. DERIAN

ALSO MENTIONED JOAN THOMAS WHO HAS BEEN DIAGNOSED TO HAVE MAL DE CHAGAS DISEASE AND WILL NEED SPECIAL MEDICAL ATTENTION. THE MINISTER NOTED THIS WAS A LONG TERM DISORDER OF 20 TO 25 YEARS FOR WHICH THERE WAS NO REAL CURE AND THAT FOR ITS TREATMENT IT DIDN'T MATTER WHETHER ONE WAS IN THE HOSPITAL OR IN JAIL. AT MRS. DERIAN'S REQUEST HE DESCRIBED HOW IT IS TRANSMITTED. MRS. DERIAN THEN INQUIRED ABOUT DANIEL GOLDMAN WHO IS IN A PSYCHIATRIC HOSPITAL AFTER AN ATTEMPT OF SUICIDE. SHE TOLD THE MINISTER THAT SHE HAD NOTED A LARGE DIFFERENCE IN THE SIZE OF HIS EYES WHICH COULD INDICATE A BRAIN TUMOR. THE MINISTER RESPONDED THAT HE IS IN A CLINIC WHERE THERE ARE DOCTORS WHO COULD SEE HIM AND SUGGESTED THAT THE EMBASSY COULD HELP WITH ARRANGEMENTS.

8. MRS. DERIAN EXPLAINED THAT IT WAS DIFFICULT TO TALK ABOUT SUCH SAD SUBJECTS AND STRESSED THAT IT IS NOT OUR DESIRE TO CAUSE EMBARRASSMENT OR DEMAND ACTIONS WHICH ONLY ANOTHER GOVERNMENT COULD UNDERTAKE. SHE TOLD THE MINISTER OF THE GROWING INTEREST IN THE U.S. ABOUT THE SITUATION IN BOLIVIA WHICH STARTED WITH CONGRESSIONAL HEARINGS. SHE SAID IT SEEMED ONLY RIGHT THAT SHE SHOULD COME AND PERSONALLY DISCUSS THESE MATTERS WITH THE MINISTER SO HE WOULD BE FULLY AWARE OF THIS CONCERN. THE MINISTER SAID HE WAS AWARE OF CONGRESSIONAL ATTENTION TO BOTH THE PROBLEMS OF TRAFFICKING AND CONSUMPTION OF DRUGS. HE SAID THAT THE GOB HONESTLY RECOGNIZES THAT JUSTICE HAS BEEN SLOW BUT THAT STEPS

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HAVE BEEN TAKEN. HE WAS CONCERNED LEST THIS BECOME A POLITICAL PROBLEM.

9. MRS. DERIAN TOLD THE MINISTER SHE WOULD BE BACK IN HER OFFICE ON THE 15 OF AUGUST AND THAT PEOPLE WOULD WANT TO BE SPEAKING WITH HER. SHE SAID IT WOULD BE VERY TIMELY IF SOME RELEASES HAD OCCURRED BY THEN. THE MINISTER SAID WITH THE NEW DECREE WAIVING SUPREME COURT REVIEW THIS MIGHT BE POSSIBLE IN SOME CASES.

10. THE MINISTER'S ADVISOR MENTIONED THAT SOME OF THE THINGS WHICH HAVE BEEN DONE IN BOLIVIA HAVE OCCURRED IN COOPERATION WITH THE U.S. INTEREST IN NARCOTICS PROBLEMS. HE ADDED OTHER PROBLEMS ARE BEING OVERCOME THANKS TO THE HELP OF THE EMBASSY WITH ITS TRANSLATORS, LAWYERS, ETC. MRS. DERIAN SAID IT MUST BE CONFUSING APPARENTLY USED BY THE U.S. DRUG ENFORCEMENT AGENCY TO ENTRAP U.S. CITIZENS. SHE SAID SHE WOULD LIKE TO SEE THE TWO HANDS WORKING TOGETHER.

11. THE MINISTER NOTED THAT IN THE ADMINISTRATION OF JUSTICE IT IS DIFFICULT TO ENGAGE IN JESUITICAL THINKING. LAW IS GENERAL BUT IT IS IN THE PROCESS OF IMPLEMENTING IT WHERE ONE WILL FIND GREATER OR LESSER CULPABILITY. HIS ADVISOR ADDED THAT THE COCAINE SEIZED BY THE GOB IN PAST YEARS HAS A GREATER VALUE THAN ALL THE ASSISTANCE BOLIVIA HAS RECEIVED FROM THE U.S. MRS. DERIAN AGREED WITH THIS AND SAID SHE THOUGHT IT WAS TRAGIC.

12. THE MINISTER THANKED MRS. DERIAN FOR THEIR CORDIAL DIALOGUE WITH WHICH HE EXPRESSED SATISFACTION. MRS. DERIAN TOLD HIM SHE WAS EXTREMELY HEARTENED BY HER MEETINGS WITH HIM AND THE PRESIDENT AND THE SENSITIVITY THEY HAD DISPLAY-  
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ED, WHICH WAS NOT FOUND IN ALL COUNTRIES.

13. ACTION REQUESTED: PLEASE ADD COMMENTS AND DESIRED DISTRIBUTION. VANCE

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## Message Attributes

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